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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/808,240	03/15/2001	Hideo Ando	204331US-2S	6633

22850 7590 01/27/2005

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

BOCCIO, VINCENT F

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/808,240

Applicant(s)

ANDO ET AL.

Examiner

Vincent F. Boccio

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment of 9/7/04.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 32-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/666,129.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/13/04 & 3/15/01</u> . | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2616

DETAILED ACTION

The Group and/or Art Unit location of your application in the PTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 2616.

Response to Arguments

1. Applicant's arguments with respect to new claims 32-41 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 32-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lenihan et al. (US 6,169,843) in view of Yamauchi et al. (US 6,047,103).

Regarding claim 32, Lenihan discloses and meets the limitations as recited associated with a medium, apparatus for recording, as well as reproduction and associated methods, the

Art Unit: 2616

medium for recording an MPEG TS in accordance with a hierarchical structure, the data structure comprising:

- a data area to store a stream object (col. 2, may be a DVD type media), corresponding to the stream data (Fig. 2, met by a video recording/object, recorded to media 230);
- wherein the object (recording), includes units (met by one of video frames, with respect to MPEG 2 transport streams, wherein GOPs or groups of frames, are considered to be an inherent feature with respect to MPEG 2 transport streams);
- wherein the one or more units include pairs of time codes (met by col. 5, such as PTS and DTS, "The DTS and PTS will then indicate to the decoder when to decode and display the corresponding video access unit.", each frame has a pair of time codes, dictating presentation {when to present} and decoding times {when to decode});
- a management information area for storing management information (col. 7, "An ATS in accordance with the invention may also include other information suitable for use in regulating storage and/or playback of a transport stream ... additional capture information", col. 8, also "packet header", is also management data, in an area);
- wherein at least one of the stream data units includes a header containing time related information with respect to the transport stream packet (met by ATS, col. 8, "The ATS is generally appended to the beginning ... of the transport packet, but ... could be inserted in the packet header.").

Lenihan further mentions at col. 4, "The transport packet may also be of the program specific information (PSI) type or the private data type", which also reads on other management information,

but, fails to particularly disclose copy management data, which is a form of management data.

Art Unit: 2616

Yamauchi teaches having copy management data on a DVD (Fig. 5, "CGMS", also reference Fig. 2), thereby providing a means for controlling copying, the DVD (col. 11, "from being improperly stored in a hard drive"), as taught by Yamauchi.

Therefore, it would have been obvious to one skilled in the art at the time of the invention to modify Lenihan by providing "copy control management data", to the DVD, as taught by Yamauchi in order to dictate if copying is allowed, such as one copy generation (Fig. 2, "code 1, 0") or even prohibiting copying ("code 1, 1"), even dictating copying is permitted (code 0, 0), as is well known to those skilled in the art, wherein the means for copy control allows the owners of the video etc., material to dictate the modes allowed or not allowed, thereby providing the stream object with copyright information, dictating allowed modes.

Claims 33-41 are analyzed and discussed with respect to the claims above, but claims 35 and 36 are the corresponding apparatus claims, which further recite additional elements such as:

a first and second recording and reproducing blocks, which record and reproduce the management, as well as the stream object and units, being met by the recording and reproducing heads and associated elements responsible recording and reproduction of the recorded, met by video, management data and copy-write data, deemed met by the art applied (Yamauchi, reference Fig. 5, CGMS control section, at least one head, is inherent, for recording and reproducing, also Lenihan, Fig. 2 and associated disclosures).

Conclusion

2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will

Art Unit: 2616

expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Fax Information

Any response to this action should be mailed to:
Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communication
intended for entry)

or:

(703) 308-5359, (for informal or draft communications,
please label "PROPOSED" or "DRAFT")

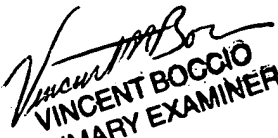
Hand-delivered responses should be brought to Crystal
Park II, 2121 Crystal Drive, Arlington, VA., Sixth
Floor (Receptionist).

Contact Information

Any inquiry concerning this communication or earlier
communications should be directed to the examiner of
record, Monday-Thursday, 8:00 AM to 5:00 PM Vincent F.
Boccio (703) 306-3022.

Any inquiry of a general nature or relating to the status
of this application should be directed to Customer Service
(703) 306-0377.

Primary Examiner, Boccio, Vincent
1/22/05


VINCENT BOCCIO
PRIMARY EXAMINER